

REMARKS

Claims 1-32 are currently pending. Applicants have amended claims 1, 17, and 25 to clarify applicants' invention. Applicants have canceled claims 2-4, 19-21, 31, and 32. No new matter has been added.

The Examiner has rejected claims 1-3, 5, and 8-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,400,730 to Latif et al (hereinafter Latif). Specifically, the Examiner asserts that Latif discloses transmitting packets through IP network 60 and switch 35 to a Fibre storage device in a sequential order, and from the Fibre storage network through switch 35 and IP network 60 to a SolP device 50 in a non-sequential order. Sequential order is guaranteed because the connection between the switch and the Fibre storage device is a serial interface, and sequential order is not guaranteed between the switch and the SolP device 50 because Internet protocol does not guarantee maintenance of packet order. The Examiner has also rejected claims 4, 6, and 7 under 35 U.S.C. §103 as being obvious to one of ordinary skill in the art in light of U.S. Patent No. 6,400,730 to Latif et al (hereinafter Latif).

Applicants respectfully submit that under the interpretation suggested by the Examiner, Latif fails to disclose all limitations of any amended independent claim of the present application. Applicants have amended independent claims 1, 17, and 25 to indicate that the packets are routed between two devices along a single path in one communication direction, and routed along multiple paths in the other communication direction. Specifically, claim 1 indicates that "the first sequence of packets [are transmitted] along the same path in the network" in one direction, and "at least two packets of the second sequence of packets [are transmitted] along different paths in the network" in the other direction. Claim 17 indicates that a sequence of packets are transmitted "along a single path in the switching network" in one direction, and a second sequence of packets are transmitted "along multiple paths in the switching network" in the other direction. And Claim 25 indicates that packets are received "in sequential order" and "routed along a

single path" in one direction and received in "non-sequential order" and "routed along multiple paths" in the other direction. Such asymmetric packet ordering is discussed with respect to Figures 16, 17, 18, and other locations in the application.

Latif fails to disclose all of the limitations of the applicants' claims because it does not disclose routing differently depending on the direction of communication between two communication nodes. As noted by the examiner, in Latif the communication from the switch 35 to a Fibre storage device will be in a sequential order through the Fibre channel, and communication from the switch 35 to the SolP device 50 will be in a non-sequential order through the IP network. The type of packet routing does not change, however, whether communicating from the Fibre storage device to the SolP device, or communicating from the SolP device to the Fibre storage device. Claims 1, 17, and 25 are therefore patentably distinct over Latif, as are the claims that depend from 1, 17 and 25.

Applicants further note that many of the dependent claims suggest additional novel features of asymmetric packet ordering. For example, data may be cached to ensure sequential delivery of packets as set forth in claim 6, and program operation may be suspended until data is received as set forth in claim 7. Data may also be transmitted on the same port or different ports as set forth in claim 28-29.

For the reasons set forth above, applicants request that the outstanding rejections be withdrawn. By focusing on specific claims and claims limitations in the discussion above, applicants do not intend to imply an agreement with the Examiner's assertions regarding other claims and claim limitations. If the Examiner believes that a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3129. Otherwise, applicants respectfully request reconsideration of this application and its early allowance.

Applicants attach a Petition for Extension of time requesting that the period for filing this response be extended to April 4, 2007. The requisite fee is being paid via EFT

concurrently with the filing of this response. Applicants believe no additional fee is due at this time. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 594728816US from which the undersigned is authorized to draw.

Dated:

4 April 2007

Respectfully submitted,

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